

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Teaching and Services Permits

Notice of Proposed Rulemaking

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

April 19, 2013

8:30 a.m.

**Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95811**

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on April 15, 2013. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@ctc.ca.gov.

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Authority and Reference

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code (EC) sections 44225 subsections (d), (g), (l), and (q) and 44300 pertaining to the issuance of teaching and services permits.

Informative Digest/Policy Statement Overview

Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to Title 5 of the California Code of Regulations (CCR) related to teaching and services permits as approved by the Commission at the January 2013 meeting. The proposed amendments also include general clean-up of the emergency permit regulation sections.

General Provisions Governing Emergency Permits

Senate Bill (SB) 674 (Chap. 344, Stats. 1997) took effect on January 1, 1998 and limited the number of times an emergency permit may be reissued. 5 CCR §80023.1, as amended to implement the provisions of SB 674, states that an individual issued an emergency permit prior to January 1, 1998 may receive reissuance of that permit for a maximum of five additional one-year periods and an individual issued an emergency permit on or after January 1, 1998 may receive reissuance of that permit for a maximum of four additional one-year periods. Education Code (EC) §44251(c) was subsequently repealed and the maximum of four reissuances on an emergency permit is now solely outlined in 5 CCR §80023.1.

All emergency permits currently issued and reissued by the Commission require possession of a non-emergency document such as a preliminary, clear, or life credential that authorizes the holder to teach in California's public schools. Reissuance of emergency permits requires annual completion of six semester (or nine quarter) units of coursework (or the equivalent number of clock hours) associated with a Commission-approved program, passage of two examination subtests, or a combination of the two.

Emergency permits authorize the holder to provide instruction or services outside the authorization on his/her prerequisite credential while completing the requirements for the associated authorization or certificate. Qualifying for the associated authorization or certificate requires completion of a Commission-approved program, passage of examinations, or a combination of the two depending on the type of emergency permit held.

The proposed amendments seek to reduce the number of reissuances available on an emergency teaching or services permit from four to two effective January 1, 2014. The proposed amendments also provide general clean-up of this section to align with previous regulatory and statutory changes.

Types of and Specific Requirements for Emergency Permits

On December 4, 2003, the Commission took action to discontinue the issuance of multiple subject, single subject and education specialist emergency permits effective July 1, 2006. In 2005, the Commission approved regulations to establish two teaching permits to address the continuing need for documents to cover unanticipated and anticipated staffing needs. One document is to meet immediate teacher vacancies (Short-Term Staff Permit – 5 CCR §80021) and the other to staff classrooms when, after a diligent search, no appropriately credentialed teacher can be found (Provisional Internship Permit – 5 CCR §80021.1). The two permits, issued in the areas of multiple subject, single subject, and education specialist, replaced the Emergency Multiple Subject, Single Subject and Education Specialist Permits.

In addition, the Commission discontinued initial issuance of Emergency Speech-Language Pathology Services Permits (formerly titled “Emergency Clinical or Rehabilitative Services Permit in Language, Speech and Hearing”) with or without the Special Class Authorization effective July 1, 2000, but reissuances are still available. A search of the Commission's computer system revealed that no reissuances of these permit types have been granted since 2006. Therefore, the amendments propose the deletion of the sections that allow reissuance of Emergency Speech-Language Pathology Services Permits with or without the Special Class Authorization.

The proposed amendments to 5 CCR §80023 are to delete the types of emergency permits no longer initially issued or reissued by the Commission. Also proposed is the repeal of 5 CCR §§80024.1, 80024.2, 80024.2.1, 80024.3.2, 80024.4, and 80024.5 that list the specific requirements for the types of emergency permits that are no longer initially issued or reissued by the Commission.

General Requirements for the Initial Issuance of Emergency Permits

The proposed amendments to 5 CCR §80023.2 are to align the basic skills requirement with Education Code §44252 and to update the reference to the types of emergency permits currently initially issued and reissued by the Commission.

Provisional Internship Permits

The addition of 5 CCR §80021.1 in 2005 created the Provisional Internship Permit (PIP). The purpose of the PIP is to allow California public school employers to staff classrooms when, after conducting a diligent search, no appropriately credentialed teacher can be found. Individuals employed on a PIP are required to attempt all subject matter examination subtests associated with the authorization(s) listed on the document. The current language of 5 CCR §80021.1 allows for a one-time reissuance of a PIP if the holder attempts but does not pass all the appropriate subject matter examination subtests.

The numbers of PIP reissuances have steadily decreased over the past five years. The proposed regulation amendments seek to remove the one-time PIP reissuance due to concerns with allowing individuals who have not yet completed a teacher preparation program to continue teaching in California public schools for two years without verification of subject-matter competence.

Emergency Designated Subjects Permit for 30-Day Substitute Teaching

SB 52 (Chap. 520, Stats. 2007) was signed on October 12, 2007. The provisions of SB 52 became effective immediately upon signature due to the inclusion of an urgency clause and created Designated Subjects Career Technical Education (CTE) Teaching Credentials. Subsequently, SB 1104 (Chap. 576, Stats. 2008) was signed on September 29, 2008. The bill took effect on January 1, 2009 and further amended the Education Code sections pertaining to the issuance of CTE credentials.

The Title 5 regulations pertaining to Full-Time/Part-Time Designated Subjects Vocational Education and Career Technical Education Teaching Credentials (§§80035, 80035.1, and 80035.5) were amended and new sections were added (§§80034.1, 80034.2, 80034.3) in February 2010 to implement the provisions of the two bills. The proposed amendments to 5 CCR §80025.5 are to change the title of the “Emergency Designated Subjects Vocational Education Permit for 30-Day Substitute Teaching Service” to the Emergency Designated Subjects Career Technical Education Permit for 30-Day Substitute Teaching Service” and to align the experience requirement with the experience requirement for the Designated Subjects Three-Year Preliminary Career Technical Education Teaching Credential [reference §80034.2(a)(1)].

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulations amendments are to:

- Reduce from four to two, the number of available reissuances on Emergency CLAD Permits, Emergency Bilingual Permits, Emergency Resource Specialist Permits, and Emergency Teacher Librarian Services Permits;
- Remove the one-time PIP reissuance;
- Repeal the 5 CCR sections related to emergency permits no longer initially issued or reissued by the Commission; and
- General clean-up of sections related to teaching and services permits to align with previous statutory and regulatory changes.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by limiting the time an individual may teach outside of his/her credentialed area (emergency permits) or teach prior to completing a teacher preparation program and satisfying the subject-matter competence requirement (PIPs). The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals serving on teaching and services permits. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has determined that 5 CCR §80021.1 is the only regulation that allows for reissuance of a PIP and 5 CCR §80023.1 is the only regulation that establishes the reissuance limit for emergency permits. All other proposed regulation amendments are general clean-up to align with previous statute and regulation amendments and, therefore, are not inconsistent or incompatible with existing regulations.

Documents Incorporated by Reference: None.

Documents Relied Upon in Preparing Regulations:

September 2013 Commission agenda item and insert:

<http://www.ctc.ca.gov/commission/agendas/2012-09/2012-09-5C.pdf>

<http://www.ctc.ca.gov/commission/agendas/2012-09/2012-09-5C-insert.pdf>

December 2013 Commission agenda item that included approved recommendations:

<http://www.ctc.ca.gov/commission/agendas/2012-12/2012-12-5B.pdf>

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]: The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses with the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by limiting the time an individual may teach outside of his/her credentialed area (emergency permits) or teach prior to completing a teacher preparation program and satisfying the subject-matter competence requirement (PIPs). The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals serving on teaching and services permits. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals applying for teaching or services permits that authorize service in California's public schools.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed actions, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, an economic impact assessment/analysis contained in the Initial Statement of Reasons, Commission agenda item 5C (including the insert) from the September 2012 meeting, and Commission agenda item 5B from the December 2012 meeting. Copies may be obtained by contacting Tammy Duggan at the address or telephone number provided above.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Tammy A. Duggan at (916) 323-5354.

Availability of Documents on the Internet

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Commission's website at www.ctc.ca.gov.